

OCTOBER 19, 1998

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session.

PRESENT: SIMS, Acting presiding Justice
 RAYE, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Conrad.
Calendar Called.

MONDAY, OCTOBER 19, 1998 CONTINUED

Civil ALEXIS ALLEN STEED
No. v.
C027140 COUNTY OF SACRAMENTO ET AL.

Cause called. Patricia Tsubokawa Reeves, of Reeves & Ashley argued for Plaintiff-Appellant. Brenda A. Lewis, of Longyear, O'Dea & Lavra argued for Defendants-Respondents. Cause submitted.

Civil PAULINE MATTOON ET AL.
No. v.
C027571 ORLAND SCHOOL DISTRICT

Cause called. Richard Gregg, of the Boccardo Law Firm argued for Plaintiff-Appellants. Leonard Gary Krup, of Frost, Krup and Atlas argued for Defendant-Respondent. Cause submitted.

At 10:07 a.m., court recessed. At 10:11 a.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Callahan.

Civil DALE GORDON CLARY, JR.
No. v.
C020914 DEPARTMENT OF TRANSPORTATION

Cause called. Dennis D. Brown argued for Plaintiff-Appellant with additional citations. Manuel C. Alvarado, argued for Defendant-Respondent. Cause submitted.

At 10:30 a.m., court recessed. At 10:33 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Morrison and Associate Justice Callahan.

Civil SMITH & GABBERT, INC.
No. v.
C027130 EL DORADO IRRIGATION DISTRICT
SMITH & GABBERT INVESTMENT ENTERPRISE

Cause called. Philip H. Weber argued for Defendant-X-Complainant-Appellant. Gene K. Cheever, of the Diepenbrock Law Firm argued for Plaintiff-X-Defendant-Respondent and X-Defendant-Respondent. Cause submitted.

MONDAY, OCTOBER 19, 1998 CONTINUED

Civil STATE OF CALIFORNIA

No. v.

C027460 UNITED NATIONAL INSURANCE COMPANY

Cause called. Steven J. Egan, Deputy Attorney General, argued for X-Complainant-Appellant. John J. Moura, of Sinnott, Dito, Moura & Puebla argued for X-Defendant-Respondent. Cause submitted.

At 11:20 p.m., court recessed. At 2:01 p.m., court reconvened with the same panel except Associate Justice Raye in place of Associate Justice Morrison.

Civil DELMAR ACKER

No. v.

C028538 SACRAMENTO TITLE COMPANY

Cause called. Gregory M. Finch, of Booth & Finch argued for Plaintiff-Appellant. Barbara A. Cutter, of Murphy, Pearson, Bradley & Feeney argued for Defendant-Respondent with additional citations. Cause submitted.

At 2:19 p.m., court recessed. At 2:25 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Callahan.

Civil TOWN OF PARADISE ET AL.

No. v.

C029928 SUPERIOR COURT, BUTTE COUNTY

Cause called. Timothy M. Taylor, of DeCuir & Somach argued for Petitioner. Michael H. Remy, of Remy, Thomas and Moose argued for Real Party in Interest. Katherine Currie Pittard, of Remy, Thomas and Moose appeared for Real Party in Interest. Cause submitted.

At 3:05 p.m., court recessed. At 3:10 p.m., court reconvened with Acting Presiding Justice Davis in place of Acting Presiding Justice Sims and Associate Justice Raye in place of Associate Justice Callahan.

MONDAY, OCTOBER 19, 1998 CONTINUED

Civil WILLARD WITHERSPOON
No. v.
C028804 SUTTER COUNTY ET AL.

Charity Kenyon of Diepenbrock, Wulff, Plant & Hannegan argued for Defendants-Appellants. Kasey Christopher Clark, of Mastagni, Holstedt & Chiurazzi argued for Plaintiff-Respondent. Cause submitted.

Court adjourned at 3:38 p.m., until 9:30 a.m., Wednesday, October 21, 1998

Crim. THE PEOPLE (Not for Publication)
No. v.
C027234 HENRY ADAM PFANNKUCHE

The judgment is affirmed.

HULL, J.

We concur: PUGLIA, P.J.
RAYE, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029342 RICK ORNELAS

The judgment is affirmed.

SIMS, Acting P.J.

We concur: DAVIS, J.
SCOTLAND, J.

TUESDAY, OCTOBER 20, 1998

Crim. THE PEOPLE (Not for Publication)
No. v.
C024647 DONALD RAY MCCUNE

The judgment (order of commitment) is reversed.

BLEASE, Acting P.J.

We concur: DAVIS, J.
NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027523 ANTOINE WALLACE HARRIS
The judgment is affirmed.
MORRISON, J.
We concur: SIMS, Acting P.J.
CALLAHAN, J.

Civil CAROL LOUISE CRUZ
No. v.
C030451 WESTERN STONE PRODUCTS
BY THE COURT:

Appellant's petition for rehearing and for relief from the order dismissing the appeal for failure to timely pay the statutory filing fee is granted. The order of September 21, 1998, dismissing the appeal is vacated, and the appeal is reinstated. Appellant is directed to pay the filing fee on or before November 5, 1998.

Dated: October 21, 1998

PUGLIA, P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice
BLEASE, Associate Justice
DAVIS, Associate Justice

Bailiff: Rios.
Calendar Called.

WEDNESDAY, OCTOBER 21, 1998 CONTINUED

Crim. THE PEOPLE

No. v.

C026257 ELLIS MILLER HEINE

Cause called. Robert V. Vallandigham, court appointed counsel argued for Defendant-Appellant. Judy Kaida, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Crim. THE PEOPLE

No. v.

C026467 RUSSELL DAVID BAXTER

Cause called. Richard M. Doctoroff, court appointed counsel argued for Defendant-Appellant. Judy Kaida, Deputy Attorney General argued for Plaintiff-Respondent.

Civil BOBBY S. DUTTA

No. v.

C027649 CHARLES YOUNG ET AL.

Cause called. Dion N. Cominos, of Gordon & Rees argued for Defendant-Appellants. Patrick Curry, of Curry & Westgate argued for Plaintiff-Respondent.

At 10:14 a.m., court recessed. At 10:21 a.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Blease.

Civil DCK

No. v.

C027104 JOHN TORRES

Cause called. Felix Torres Jr. argued for Defendant-Appellant. Peter J. Pullen, of Moore, Meegan, Hanschu & Kassenbrock argued for Plaintiff-Respondent. Cause submitted.

Civil BEVERLY J. WALTON, AS CONSERVATOR, ETC.

No. v.

C027391 ROBERT K. STEPHENSON ET AL.

Cause called. Thomas Casazza argued for Defendants-X-Complainants-Appellants. Jerrold B. Braunstein, of Dennis, Schottky, Swanberg & Braunstein argued for Plaintiff-X-Defendants-Appellants. Cause submitted.

WEDNESDAY, OCTOBER 21, 1998 CONTINUED

At 11:00 a.m., court recessed. At 2:00 p.m., court reconvened with the same panel except Associate Justice Blease in place of Associate Justice Callahan.

Civil THE PEOPLE
No. v.
C027936 LAND, BUILDING AND FIXTURES ETC.
SEFERINA GARCIA

Cause called. Frear Stephen Schmid argued for Real Party in Interest. Phillip R. Urie, District Attorney argued for Plaintiff-Respondent.

Civil BARBARA K. TILLEY TRUST ET AL.
No. v.
C025382 ROBERT A. COOK ET AL.

Cause called. Robert P. Dudugjian, Dudugjian & Maxey argued for Defendant-Appellant-X-Respondent Hugh Sullivan. Edward J. Wright, Jr. of McDonough, Holland & Allen argued for Plaintiffs-Respondent-X-Appellants. E. John Vodonick, of Dunbar & Vodonick argued for Defendant-Appellant-X-Respondent Robert A. Cook with additional citations. No appearance on behalf of Defendant-Appellant Jay Greene.

At 2:45 p.m., court recessed. At 2:50 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Blease.

Civil MARIE R. PETERSEN
No. v.
C27588 CALIFORNIA STATE COUNCIL ETC. ET AL.

Cause called. Gregory M. Finch, of Finch, Burton & White for Plaintiff-Appellant. Andrew M. Wolfe of Nielsen, Merksamer, Parrinello, Mueller & Naylor argued for Defendant-Respondent Cathy Compton. No appearance was made on behalf of Defendants-Respondents California State Council etc. et al by Cathy A. Neff, Deputy Attorney General. Cause submitted.

At 3:07 p.m., court recessed. At 3:20 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Davis and Associate Justice Callahan.

WEDNESDAY, OCTOBER 21, 1998 CONTINUED

Crim. THE PEOPLE
No. v.
C022497 GARY CONTRERAS ET AL.

Cause called. Kyle Gee, court appointed counsel argued for Defendant-Appellant Gary Contreras. Marcia C. Levine, court appointed counsel argued for Defendant-Appellant Johanna Halaburda. Tim L. Rieger, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 3:43 p.m., court recessed. At 3:47 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Morrison, and Associate Justice Callahan.

Civil LOIS JEAN DICKERSON ET AL.
No. v.
C027264 BARBARA JOYCE RUSSELL

Cause called. Stephen F. Riley, of Matthews, Fuqua, Puritz & Riley argued for Defendant-Appellant. Thomas J. McGlynn, of McGlynn & McGlynn argued Plaintiff-Respondent. Cause submitted.

Court adjourned at 4:17 p.m., until 9:30 a.m., Thursday, October 22, 1998.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027860 JESUS MAGALLANES

The trial court is directed to correct the abstract of judgment to accurately describe the terms imposed and to forward a copy of the corrected abstract of judgment to the Department of Corrections. In all other respects the judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
MORRISON, J.

WEDNESDAY, OCTOBER 21, 1998 CONTINUED

Crim. No. C027194	THE PEOPLE v. DERIK JAMES BROCK	(Not for Publication)
	The judgment is affirmed.	
		MORRISON, J.
	We concur:	SCOTLAND, Acting P.J. NICHOLSON, J.
Crim. No. C028886	THE PEOPLE v. JEANNIE LUM	(Not for Publication)
	The judgment is affirmed.	
		MORRISON, J.
	We concur:	BLEASE, Acting P.J. RAYE, J.
Crim. No. C026992	THE PEOPLE v. ANTHONY D. CLARK	(Not for Publication)
	The judgment is affirmed.	
		HULL, J.
	We concur:	SCOTLAND, Acting P.J. NICHOLSON, J.
Crim. No. C028732	THE PEOPLE v. GERALD RONALD HULSEY	(Not for Publication)
	The judgment is affirmed.	
		SIMS, Acting P.J.
	We concur:	NICHOLSON, J. MORRISON, J.
Civil No. C027140	ALEXIS ALLEN STEED v. COUNTY OF SACRAMENTO ET AL.	(Not for Publication)
	The judgment is affirmed.	
		SIMS, Acting P.J.
	We concur:	RAYE, J. CALLAHAN, J.

WEDNESDAY, OCTOBER 21, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C027791 RICHARD ALAN CLARK
 The judgment is affirmed.
 MORRISON, J.
 We concur: SCOTLAND, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026675 RICHARD LEE BASYE
 The judgment is affirmed.
 MORRISON, J.
 We concur: SCOTLAND, Acting P.J.
 NICHOLSON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C025386 KARENGA NYOASI BROWN
 The judgment is affirmed
 SIMS, J.
 We concur: BLEASE, Acting P.J.
 MORRISON, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026346 MICHAEL TUBBS ET AL.
 The judgment is affirmed.
 DAVIS, J.
 We concur: PUGLIA, P.J.
 BLEASE, J.

THURSDAY, OCTOBER 22, 1998

Crim. THE PEOPLE
No. v.
C026365 ANTHONY RAHEIM GRAHAM

THE COURT:

The opinion filed herein on September 22, 1998, is hereby modified as follows:

...

This modification does not change the judgment.

Appellant's petition for rehearing is denied.

BY THE COURT:

BLEASE, Acting P.J.

DAVIS, J.

RAYE, J.

Crim. THE PEOPLE
No. v.
C027165 PALADIN LEON GUNN

BY THE COURT:

The opinion filed September 25, 1998, is modified as follows:

...

The judgment is modified to award defendant 259 days custody credit and 128 days conduct credit. As so modified, the judgment is affirmed. The trial court is directed to prepare and amended abstract of judgment and to forward certified copies of the amended abstract and our opinion to the Department of Corrections to calculate his credit correctly.

the order modifying the opinion must state that it effects a change in judgment. (Cal. Rules of Court, rule 24 (b).) As this accomplishes what defendant seeks in his petition for rehearing, the petition is denied.

FOR THE COURT:

SCOTLAND, Acting P.J.

NICHOLSON, J.

MORRISON, J.

THURSDAY, OCTOBER 22, 1998 CONTINUED

Juvenile In re WILLIAM T. ET AL.
No. v.
C030461 KATHLEEN T.

BY THE COURT:

No claim of error having been raised by appellant Kathleen T., the appeal filed August 24, 1998, is dismissed as abandoned, (In re Sade C. (1996) 13 Cal. 4th 952, 994.)

Dated: October 22, 1998

PUGLIA, P.J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
DAVIS, Associate Justice
MORRISON, Associate Justice

Bailiff: Conrad.
Calendar Called.

Civil ROBERT E. CLAUSON ET AL.
No. v.
C028135 KENNETH H. STANLEY ET AL.

Cause called. William Caspari, of Boli Caspari argued for Plaintiff-Appellants. Brian R. Katz argued for Defendants-Respondents. Cause submitted.

At 9:50 a.m., court adjourned until 9:30 a.m., Friday, October 23, 1998.

Crim. THE PEOPLE (Not for Publication)
No. v.
C027553 FERNANDO MEDINA ORTEGA

The judgment is affirmed.

NICHOLSON, J.

We concur: SIMS, Acting P.J.
CALLAHAN, J.

THE PEOPLE (Not for Publication)
v.
JOSEPH SAUCEDA GARCIA, JR.

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

Crim.
No.
C029248

THE PEOPLE (Not for Publication)
v.
JOHN H. TOMPSON

BLEASE, Acting P.J.

We concur: RAYE, J.
 HULL, J.

At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: PUGLIA, Presiding Justice
RAYE, Associate Justice
CALLAHAN, Associate Justice

Bailiff: Rios.
Calendar Called.

Civil
No.
C026449

DARLYS A. SOUZA
v.
PUBLIC EMPLOYEES RETIREMENT SYSTEM

Cause called. Barbara Archibald argued for Plaintiff-Appellant. Peter H. Mixon argued for Defendant-Respondent. Cause submitted.

FRIDAY, OCTOBER 23, 1998 CONTINUED

Civil STANLEY LEVIN ET AL.
No. v.
C027346 RICK DAVIS

Cause called. William J. Bush, of Hansen, Bridgett, Marcus, Vlahos & Rudy argued for Plaintiffs-Appellants. David L. Ditora, of Diepenbrock, Wulff, Plant & Hannegan argued for Defendant -Respondent. Cause submitted.

At 10:21 a.m., court recessed. At 10:30 a.m., court reconvened Acting Presiding Justice Davis in place of Presiding Justice Puglia, and Associate Justice Morrison in place of Associate Justice Callahan.

Civil LARRY T. JOHNSON
No. v.
C024317 UNITED STATES AUTOMOBILE ASSOCIATION

Cause called. John A. Deronde, Jr. of Deronde & Deronde argued for Plaintiff-Appellant. Leo H. Schuering, Jr., of Schuering, Zimmerman & Scully argued for Defendant-Respondent. Cause submitted.

At 11:06 p.m., court recessed. At 11:10 p.m., court reconvened with the same panel except Associate Justice Callahan in place of Associate Justice Raye.

Civil SONNEN MOTOR CO. II, INC. ET AL.
No. v.
C028153 NEW MOTOR VEHICLE BOARD
LEXUS

Cause called. Marjorie Ehrich Lewis, of Gibson, Dunn & Crutcher argued for Real Party in Interest. Christopher W Sheron, of Ackeret & Sheron argued for Plaintiffs-Respondents. Cause submitted.

At 11:46 a.m., court recessed. At 11:51 a.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Raye, and Associate Justice Callahan.

FRIDAY, OCTOBER 23, 1998 CONTINUED

Civil SUNSWEET GROWERS, INC.
 No. v.
 C028259 WATER SCIENCE TECHNOLOGIES, INC. ET AL.

Cause called. Matthew J. Nasuti, of Cronin & Nasuti argued for Defendants-Appellants. Kent W. Lindsay, of Thelen Reid & Priest argued for Plaintiff-Respondent. Cause submitted.

At 12:13 p.m., court adjourned until 9:30 a.m., Monday, October 26, 1998.

Crim. THE PEOPLE
 No. v.
 C028635 KENNETH LEE BLAYLOCK
 BY THE COURT:

Respondent's motion to dismiss the appeal is granted, and the appeal filed February 3, 1998, is dismissed. (People v. Panizzon (1996) 13 Cal. 4th 64, 89, fn. 15.)

Dated: October 23, 1998

DAVIS, Acting P.J.

Civil THE PEOPLE (Not for Publication)
 No. v.
 C027936 LAND, BUILDINGS AND FIXTURES
 LOCATED AT 1964 N. FILBERT,
 STOCKTON, CALIFORNIA

SEFERNIA GARCIA

The judgment (order) is affirmed.

BLEASE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.

FRIDAY, OCTOBER 23, 1998 CONTINUED

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026935 AARON COLLINS

The judgment is affirmed.

HULL, J.

We concur: BLEASE, Acting P.J.
 RAYE, J.

Crim. THE PEOPLE (Not for Publication)
 No. v.
 C026467 RUSSELL DAVID BAXTER

The defendant is entitled to 168 days for local conduct credit and the judgment is modified to reflect that amount of credit. As modified, the judgment is affirmed. The trial court is directed to prepare and file a corrected abstract of judgment reflecting this local conduct credit and to furnish a certified copy of the corrected abstract of judgment to the department of Corrections.

BLEASE, J.

We concur: PUGLIA, P.J.
 DAVIS, J.